

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

MARK G. SAMS,

Petitioner,

v.

J.E. THOMAS,

Respondent.

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No. 1:11-cv-3111-CL

**ORDER**

**PANNER, District Judge:**

Magistrate Judge Mark D. Clarke filed a Report and Recommendation, and the matter is now before this court. See 28 U.S.C. § 636(b)(1)(B), Fed. R. Civ. P. 72(b). Although no objections have been filed, this court reviews legal principles *de novo*. See Lorin Corp. v Goto & Co., Ltd., 700 F.2d 1202, 1206 (8th Cir. 1983).

I agree with Magistrate Judge Clarke that this petition must be dismissed without prejudice because petitioner has failed to

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pay the filing fee, request an application to proceed in forma pauperis, or request an extension of time. Accordingly, I adopt the Report and Recommendation.

**CONCLUSION**

Magistrate Judge Clarke's Report and Recommendation (#4) is adopted. The petition (#1) is dismissed without prejudice. The court denies a certificate of appealability.

IT IS SO ORDERED.

DATED this 6 day of April, 2012.

A handwritten signature in cursive script, reading "Owen M. Panner", is written over a horizontal line.

OWEN M. PANNER  
U.S. DISTRICT JUDGE